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SUBJECT: IRAQI VICE PRESIDENTS HASHIMI AND ABDEL MEHDI ON
JUSTICE AND ACCOUNTABILITY LAW, GOVERNANCE ISSUES

REF: BAGHDAD 117

Classified By: Ambassador Ryan C. Crocker for reasons 1.4 (b) and (d).

Summary

11. (S) During a January 16 meeting, the Ambassador urged Vice President Hashimi to support early Presidency Council approval of a Justice and Accountability law (de-Baath), recently approved by the Iraqi Council of Representatives (CoR). While not committing to a specific course of action, he identified several problematic articles in the law that required amendment by the CoR. Hashimi sought to assure the Ambassador that the CoR could make these small technical amendments without reopening the bill for further debate and could be signed into law "within two weeks." His concerns, he stated, were also shared by President Talabani and Vice President Abdel Mahdi. On Tawafuq's possible return to government, Hashimi said the Deputies Preparatory Committee, now doubling as the Secretariat for the 3-plus-1 process, was assigned the task of negotiating a deal to bring the Sunnis back to government -- a decision he interpreted as a stalling tactic by the PM. In a brief discussion on amnesty legislation, detainees, Chemical Ali, and upcoming talks to frame the long-term U.S.-Iraq relationship, Hashimi noted the imperative of a broad amnesty and queried on U.S. plans for Coalition detainee releases once Chapter VII authority expires. In a subsequent January 16 meeting, Vice President Adel Abdel Mehdi told the Ambassador that Hashimi's positions were his own, not those of the other Presidency Council members. Hashimi's views on the de-Baath law, for example, did not reflect the views of President Talabani or Abdel Mehdi. He said he would urge Hashimi to sign the de-Baath law in its current form, and press Parliament to make changes thereafter. End summary.

12. (SBU) The Ambassador was joined in the 90-minute meeting by NSC Senior Director for Iraq and Afghanistan, Brett McGurk, Special Assistant Ali Khedery, and Poloff (note-taker). Under Secretary for Economic, Energy, and Agriculture Affairs Reuben Jeffery, E staff members, and Econoffs subsequently joined the meeting (septel). VP Hashimi was joined by his Chief of Staff and by Political Advisor Dr. Khalil al-Issawi.

Justice and Accountability Law Hold-up?

13. (S) Responding to the Ambassador's strong call for prompt signature by the Presidency Council of the Justice and Accountability Law (de-Baath), Vice President Hashimi voiced his concerns about several items that he hinted would prevent him from signing the law. Hashimi confirmed that the law had been forwarded to the Council on January 15 and that the Council had ten days in which to act. Hashimi referred to

his objections raised in an earlier meeting with S/I Satterfield (reftel), particularly the issue of exemptions for Iraqi National Intelligence Service staff, and the question of Presidency Council involvement in such exemptions, per Article 12 of the law. Hashimi warned that the law, as currently drafted, was insufficient to ensure reconciliation between the major political and religious groups. The Ambassador assured Hashimi that the U.S. would watch closely to see that the law is implemented in a manner consistent with the spirit of reconciliation, including on the issues raised by the Iraqi Vice President. Hashimi asserted that he was not alone among the Presidency Council members in his desire to see the law returned to Parliament for amendment; President Talabani, he said, was upset that "his instructions (on Article 12) were not followed." Hashimi said returning the bill was not a "veto," but rather a chance for technical fixes. These "fixes" could be completed in "less than two weeks," he said, since the CoR would only review three specific items, not the entire bill. In addition to Article 12, Hashimi complained of language vilifying the Baath Party and criminalizing "Baathist thinking," which he believed would be abused and which ran counter to the spirit of reconciliation. The Vice President appeared unconvinced by arguments that returning the bill to Parliament would be seen as a political set-back and could jeopardize passage of the bill -- a bill many Sunnis voted for and saw as a positive step.

Tawafuq Front -- Deputies to Work Out a Deal

14. (S) On the issue of Tawafuq's possible return to government, Hashimi confirmed reports that the issue was now

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being addressed by the Deputies Preparatory Committee, the same group that will also serve as Secretariat to the recently revitalized 3-plus-1 process. Hashimi said he wrote to Maliki about this decision, and questioned aloud why the PM would delegate the issue to the Deputies, since the matter could be addressed "in a few hours," if Maliki were genuinely interested in reaching a deal. Hashimi believed it would take weeks for the Deputies to be brought up to speed on the various talks and understandings reached between Tawafuq and the PM's office since the Sunni walkout from government on August 1, 2007. The Vice President sought Embassy assistance in pressing Maliki to finalize a deal to bring the Sunnis back to government by the time of next week's 3-plus-1 meeting. After that deal is done, he said, we will discuss the PM's expected proposals for reducing the size of the Cabinet. "This is the last chance," he said; "We can't tolerate this stagnation forever -- the PM must make a decision soon." The Tawafuq Front needs "something tangible" (from Maliki) to convince its constituents that the decision to leave, and later return to government was logical and justifiable. Hashimi noted that his Deputy, Ayad al-Samaraie, met with Maliki shortly after the 3-plus-1 meeting on January 14, at which Tawafuq's return was discussed, but the PM offered nothing specific on Sunni demands, only promises that Sunni complaints would be addressed once Tawafuq was back in government.

Amnesty Law, Strategic Partnership, and Prisoners

15. (S) Hashimi said he received the government's draft amnesty law two days earlier, and had made comments on the draft. The text, he complained, had numerous legal restrictions that rendered the proposed amnesty too narrow. The Ambassador rejoined that PM Maliki had described to him several times his intention to make the amnesty a general one. Hashimi questioned the PM's motives, noting that an amnesty would have to be wide and generous to have a significant political impact. The VP reminded the Ambassador

of the need to consider amnesty for Coalition detainees, and queried how detainees would be dealt with one Chapter VII authority for the Coalition expires at the end of 2008. The VP's Chief of Staff questioned how the Coalition would transfer detainees, particularly high-value detainees, to Iraqi control if Iraqi prisons remained in the deplorable state they are in. The Ambassador acknowledged the point, assured USG interest in ensuring basic human rights were protected for detainees, and that the issue would be among those topics discussed in talks to finalize a long-term strategic relationship.

¶6. (S) Following up on the topic of high-value detainees, the Ambassador encouraged the Iraqi leadership to negotiate resolution of the case of Chemical Ali and his senior deputies who remain in Coalition custody pending resolution of the dispute over their executions. The case required an Iraqi solution, he asserted, and the U.S. would not put itself in the position of acting as Iraq's Supreme Court in light of differing legal interpretations on next steps. The Ambassador pushed back on Hashimi's suggestion that the United Nations act as arbiter on the case, arguing the need for Iraqi leaders to solve the dispute themselves.

VP Abdel Mahdi on De-Baath Law, Hashimi

¶7. (S) In a subsequent January 16 meeting, Vice President Adel Abdel Mehdi told the Ambassador that Hashimi had not shared his views with him and President Talabani at their recent Presidency Council meeting and that Hashimi's position was not that of the Presidency Council. He expressed dismay that Hashimi had taken the position described to the Ambassador after Tawafuq was given "every opportunity to study and comment on the bill," and after many of Tawafuq's COR members voted to pass the bill. Abdel Mehdi agreed with the Ambassador that the bill should not be sent back unsigned to the COR for modification, stating that there was no guarantee the COR would ever send back an approved bill and that the Sadrists and others might use the opportunity to dig in their heels on passage. He proposed instead that Hashimi sign the bill and request the COR to make changes thereafter. Abdel Mehdi told the Ambassador that he would urge this approach when discussing the matter with Hashimi and Talabani, noting there was still time to iron this out since his office had not yet received the bill from the COR (according to Iraqi law, the Presidency Council must sign an enacted bill within 10 days of date of receipt and not date of COR enactment). On an unrelated note, Abdel Mehdi said the Sadrists had left the GOI Political Council for National Security.

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¶8. (S) The Ambassador subsequently spoke with President Talabani, who had already been contacted by Abdel Mehdi. Talabani echoed his comments, saying that any effort to amend the bill would be dangerously counterproductive. He said he and Abdel Mehdi would meet with Hashimi Jan 18 or 19.
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